

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 22-CV-60573-RAR

GULF BUILDING LLC,
a Florida limited liability company,

Plaintiff,

v.

**PHILADELPHIA INDEMNITY
INSURANCE COMPANY,**
a foreign corporation,

Defendant.

ORDER AFFIRMING AND ADOPTING REPORT AND RECOMMENDATION

THIS CAUSE comes before the Court on the Report and Recommendation, [ECF No. 169], of Magistrate Judge Jared M. Strauss filed on January 8, 2024. The Report recommends that the Court grant in part and deny in part Plaintiff's Motion for Attorney's Fees, [ECF No. 153]. *See* Report at 1. Specifically, the Report recommends that Plaintiff be awarded attorney's fees in the amount of \$400,502.50, prejudgment interest in the amount of \$23,590.22, and post-judgment interest accruing from August 30, 2023, at the rate promulgated under 28 U.S.C. § 1961. *Id.* at 28. The time for objections has passed, and there are no objections to the Report.

When a magistrate judge's "disposition" has been properly objected to, district courts must review the disposition *de novo*. FED. R. CIV. P. 72(b)(3). When no party has timely objected, however, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72 advisory committee's note to 1983 addition (citation omitted). Although Rule 72 itself is silent on the standard of review, the Supreme Court has acknowledged Congress's intent was to only require a *de novo* review where

objections have been properly filed, not when neither party objects. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate[] [judge]’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”) (emphasis in original; alterations added).

To date, no objections have been received. Thus, the Court considers it appropriate to review the Report for clear error. Finding none after carefully reviewing the Motion, the Report, the factual record, the applicable law, and being otherwise fully advised, it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report, [ECF No. 169], is **AFFIRMED AND ADOPTED**.
2. Plaintiff shall be awarded attorney’s fees in the amount of \$400,502.50, prejudgment interest in the amount of \$23,590.22, and post-judgment interest accruing from August 30, 2023, at the rate promulgated under 28 U.S.C. § 1961.

DONE AND ORDERED in Miami, Florida, this 25th day of January, 2024.

A handwritten signature in black ink, appearing to read 'Rodolfo A. Ruiz II', written over a horizontal line.

RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE